

No. 686, A.]

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**CHAPTER 619.**

AN ACT to amend subsection 2 of section 1 of chapter 217, laws of 1901, as amended by section 1 of chapter 596, laws of 1907; section 2483 of the revised statutes of 1878, as amended by section 1 of chapter 116, laws of 1897; section 3 of chapter 29, laws of 1901; section 12 of chapter 218, laws of 1899, as amended by section 1 of chapter 490, laws of 1911; subsection 3 of section 11 of chapter 549, laws of 1909; subsection 3 of section 23 of chapter 549, laws of 1909, as amended by section 16 of chapter 425, laws of 1911; and sections 604g and 604h, subsection 1 of section 681, sections 697—5, 697—46 and 697—49, and subsection 3 of section 1421—11, of the statutes; and to create section 678m, subdivisions (3a), (3b) and (23) of section 709, and subdivision (12) of section 715 of the statutes, creating the position of county auditor, and authorizing the appointment of a county purchasing agent, and relating to the powers and duties of county officers and boards of trustees in the receipt and expenditure of county funds in counties having a population of more than three hundred thousand inhabitants.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection 2 of section 1 of chapter 217, laws of 1901, as amended by section 1 of chapter 596, laws of 1907; section 2483 of the revised statutes of 1878, as amended by section 1 of chapter 116, laws of 1897; section 3 of chapter 29, laws of 1901; section 12 of chapter 218, laws of 1899, as amended by section 1 of chapter 490, laws of 1911; subsection 3 of section 11 of chapter 549, laws of 1909; subsection 3 of section 23 of chapter 549, laws of 1909, as amended by section 16 of chapter 425, laws of 1911; and sections 604g, and 604h, subsection 1 of section 681, sections 697—5, 697—46 and 697—49, and subsection 3 of section 1421—11, of the statutes are amended to read: (Ch. 217, laws of 1901. Section 1.) 2. If the county board shall fail at its annual meeting to fix the amounts of the salaries of the sheriff to be elected, and his undersheriff and his deputies and the number of the deputies for the term then the salaries and the number of deputies shall remain the same as during the preceding term, and in that case the county board shall be empowered to authorize the sheriff at any meeting to appoint additional deputies, fixing the number thereof. Such salaries shall be paid at the end of each month, and the sheriff shall keep accurate books of account, in

which shall be entered from day to day \* \* \* the items of service and the fees and the name of the particular proceedings or action in which the same is rendered, \* \* \* and he shall pay *daily or at such intervals as may be prescribed by the county board* to the county treasurer all fees, per diem, and other emoluments of whatever kind received by him. \* \* \* *He shall issue receipts for all money taken in by him, copies of which receipts shall be deposited with the county clerk and county treasurer with his daily remittances.* And the salaries of the sheriff, under-sheriff and deputies so paid shall be in lieu of all fees, per diem and compensation for services rendered by them, except for keeping and maintaining prisoners in the county jail, and all necessary expenses actually incurred in the performance of their official duties.

(Revised statutes of 1878) Section 2483. The county judge of Milwaukee county shall receive a salary of five thousand dollars, to be paid quarterly out of the treasury of said county, which shall be in full compensation for \* \* \* *the official services rendered by him; \* \* \* the rates allowed by law for certified copies of records or papers in his office and for certified copies of records and papers on appeal in probate matters, shall be charged and collected by him, and he shall keep an accurate account thereof in a suitable account book to be provided by the county of Milwaukee. \* \* \* He shall pay said moneys so received over to the county treasurer of Milwaukee county daily or at such times as may be directed by the county board and he \* \* \* shall issue to said judge his receipt therefor, which shall be kept on file in the office of said county judge.*

(Ch. 29, laws of 1901) Section 3. The rates allowed by law for certified copies of record or papers in the office of county judge and for certified copies of records and papers on appeal in probate matters, shall be charged and collected by the register of probate, and he shall keep an account thereof in a suitable account book to be provided by the county of Milwaukee. \* \* \* He shall pay said moneys so received over to the county treasurer of Milwaukee county *daily or at such intervals as may be prescribed by the county board*, who shall issue to said register his receipt therefor, which shall be kept and filed in the office of said county judge.

(Ch. 218, laws of 1899) Section 12. The judge of said district court is hereby authorized to appoint a \* \* \* *steno-graphic* reporter for such court. The person so appointed shall be deemed an officer of the court, and before entering upon the

duties of his office shall take and subscribe the constitutional oath of office and file the same, duly certified to, in the office of the county clerk of Milwaukee county. Such reporter so appointed shall attend all the sessions of said district court and shall report all preliminary examinations held before said court; but in all cases of prosecutions for violations of the ordinances of the city of Milwaukee, and in all prosecutions for misdemeanors, said reporter shall not be required to report such trial or proceeding, nor shall it be necessary for said judge of said court to take minutes of the evidence given before him; but said district judge may, in his discretion, require said reporter to report and transcribe the evidence given upon any trial or proceeding, other than preliminary examinations, which may be had before said court. It shall be the duty of the said reporter, at the request of any party, to transcribe in longhand the evidence given in any proceeding or trial taken by him in said district court, or any part thereof, which transcript shall be duly certified by him to be correct, and for which he shall be entitled to receive from the party requesting the same, five cents per folio, when written out in full, and when, at the request of the party it shall be written in narrative form, ten cents per folio. Said reporter shall be furnished all necessary stationery and supplies upon his requisition to the county clerk. It shall be the duty of such reporter to transcribe, as soon as may be, the charge of the court to the jury, in such jury cases as he shall have been directed to report, and the evidence taken upon preliminary examinations, whether the accused shall be held for trial or discharged, and file the same within ten days after reporting such testimony with the clerk of said court. For attendance upon said court and reporting, transcribing, and filing testimony, duly certified to as correct, said reporter shall be entitled to receive as compensation such a salary and transcript fees as shall be fixed by the county board. Fees and salaries so fixed shall be payable monthly at the end of each month out of the treasury of said county. Fees for transcribing testimony shall be paid by the county treasurer upon order of the county clerk with whom proper vouchers shall be filed accompanied by the certificate of the clerk of said court.

(Ch. 549, laws of 1909. Section 11.) 3. Said clerk shall keep an accurate account of all fees and moneys paid into said court, stating from whom and the time when the same were received, and at the end of each calendar month, or oftener if required by the \* \* \* board of said county shall deposit the amount of such fees with the county treasurer of Milwaukee county, \* \* \* and shall make such statements to or deposit such receipts with the county clerk and county treasurer of such county as the county board may direct.

(Ch. 549, laws of 1909. Section 23.) 3. Where a summons is issued by an attorney pursuant to section 15 of this act, the court fees for issuing the same must be paid at the time such summons is issued by the clerk. All fees paid into court or included in any judgment therein, except witness and interpreter's fees, shall belong to the county of Milwaukee, and no such judgment shall be satisfied until such fees are paid into said court. But fees prepaid by either party recovered by any judgment in his favor and paid into court shall be refunded to him by the \* \* \* *county treasurer on orders drawn by the county clerk pursuant to certificates drawn by the clerk of said court and deposited with said county clerk*; and, upon due cause shown, the court may direct the clerk to \* \* \* *refund in the same manner* fees which may have been paid for the process of said court where the same has been paid for and not served, or for other good and sufficient reason.

Section 604g. The county board of any county in which a county asylum has been established shall make sufficient appropriations \* \* \* *annually* in advance for the support and maintenance of said asylum, in accordance with the estimates of its board of trustees, for an amount in the aggregate equal to the amount per capita provided by law to be paid to said county by the state for the support and maintenance of such asylum, with such additional amount as may be necessary for improvement of the grounds and buildings, or such lesser sum as shall be equal to the estimates of said trustees for the purposes named; *provided, that in counties having a population of over three hundred thousand the provisions of subdivision (23) of section 709 shall apply*; and such appropriations so made \* \* \* *for such purpose shall be paid by the treasurer \* \* \* on county orders drawn pursuant to vouchers or schedules of claims or both submitted to the county clerk by said board of trustees. The secretary of said board shall examine and approve such vouchers or schedules before forwarding the same to the county clerk and the county clerk after examining and auditing the same shall draw his order on the treasurer without preliminary audit by the county board. Nothing contained herein shall be construed, however, as directing the county clerk to draw orders in any sum greater than the amount appropriated for the maintenance, operation or construction of such asylum by the county board. The county clerk shall keep a separate account of all appropriations made to such asylum and of all expenditures made pursuant thereof. \* \* \**

Section 604h. The board of trustees of each county asylum shall appoint the visiting physician and the superintendent

thereof, and the superintendent shall appoint all other officers and employes, subject to the approval of said board. \* \* \* The superintendent shall, under the general direction of the board, be purchasing agent for the asylum, and shall give bond to the county in such sum, not exceeding three thousand dollars, as may be fixed by the board of trustees. The board shall elect one of their number as president and the superintendent of the asylum, or some other suitable person, as secretary thereof. They shall meet at least once in every three months to audit bills, and to transact other business. On the first day of October in each year, or within thirty days thereafter, the board shall file with the county clerk their annual report, together with the report of the superintendent and of the visiting physician, including \* \* \* an estimate of the appropriations needed for the ensuing year, and a statement of the receipts expected from the state treasurer on the first of February next ensuing. *In counties having a population of over three hundred thousand the provisions of subdivision (23) of section 709 shall apply. Nothing contained herein shall be construed as prohibiting the making of reports to the state board of control in such form by such officers and at such times as said state board may require.*

(Section 681) 1. Whenever any county shall be liable for fees of jurors, witnesses on the part of the state or on the part of the defendant, or of interpreters in any action or proceeding before a justice of the peace, court commissioner, county judge or other magistrate, such magistrate before whom such juror, witness or interpreter attended, shall furnish to such person a certificate setting forth the name of such person, the time served, the number of miles traveled by him and the amount of compensation to which he is entitled, together with the title of the action in which such person so served, the capacity in which he served and the date of service. Such certificate shall be dated and signed by such magistrate and examined and certified to by the district attorney of the county in which such persons or person so served. The person receiving such certificate shall in the presence of the magistrate issuing the same indorse thereon a certificate that he is the person mentioned therein by the magistrate, that the time of service, the number of miles traveled and the capacity in which he served are true and correct as therein stated, and that he has not at any time received any compensation therefor. Upon presentation of such certificate of such magistrate, together with the certificate of such district attorney and of the person holding the same indorsed thereon as hereinbefore specified, the county treasurer shall, *except in counties having a population of over three hundred thousand,*

pay to the holder of such certificate the amount therein set forth, out of the funds of the county, and such certificate with the endorsement thereon shall be filed in the office of the county treasurer. *In counties having a population of over three hundred thousand the aforesaid certificate shall be presented to the county clerk instead of to the county treasurer, and said clerk shall, subject to the provisions of subsection 12 of section 715 of the statutes, issue to the person holding said certificate, an order upon the county treasurer for the amount therein set forth. Said certificate shall then be filed with the county clerk.*

Section 697—5. The county board of any county in which such dependent home has been established shall make sufficient appropriations \* \* \* *annually* in advance, for the support and maintenance, repair and improvement of said dependent home and grounds; and such appropriation, so made, shall be paid for such purpose \* \* \* *on vouchers deposited with the county clerk and certified by the secretary of such board of trustees. The county clerk after having audited the same shall draw his order upon the treasurer for the amount thereof.*

Section 697—46. Said board of administration, when elected or appointed and qualified, shall have the same power in all matters relating to the care and support of the inmates of any said institutions and the management and operation thereof, as is now vested in the county board, and in any and all boards of trustees of any and all of said institutions now organized and now provided by law for such counties, and shall have the entire management of each of said institutions and of said lands, and all improvements thereon and the entire management of the support and relief of the poor and insane in such county. They shall let all contracts and make all purchases for whatever may be necessary to maintain and from time to time improve said institutions, and maintain, support and care for the poor and insane in such institutions. \* \* \* They shall appoint biennially eight superintendents of the various institutions and departments, respectively; one of whom, who shall be a regularly licensed and registered physician and surgeon in good standing, shall be superintendent of the county hospital and shall reside at and have charge of said county hospital and shall render and provide all necessary medical aid and attendance for the inmates of said county hospital and for the inmates of said almshouse on said county farm in said county; one shall be the superintendent of the almshouse and water-works, and shall reside on the grounds of such almshouse; one shall be superintendent of outdoor relief and shall be stationed at and have charge of the poor office; one shall be superintend-

ent of the hospital for the insane. He shall be a duly qualified physician and shall reside on the grounds of said institution, and shall have the management thereof, and of the treatment and care of the insane inmates thereof, subject to the rules and regulations that shall be established by said board of administration; one shall be superintendent of the asylum for the chronic insane, and one shall be superintendent of the tuberculosis hospital. They shall be duly qualified physicians and shall reside on the grounds of said institutions and shall have the management thereof, and of the care and treatment of the insane and tubercular inmates thereof, subject to the rules and regulations that shall be established by said board of administration; one shall be superintendent of the school of agriculture and domestic science, and shall have the management of the instructional, demonstrative and experimental work of that institution, subject to the rules and regulations that shall be established by said board of administration; and one shall be superintendent of the home for dependent children, and shall have the management thereof, subject to the rules and regulations that shall be established by said board of administration. They shall also at the same time appoint such district county physicians as they may deem necessary to care for all sick and poor, and shall prescribe such rules and regulations governing the work done and the territory to be covered by such district physicians as may be necessary and practicable; and said board of administration shall have power to make and shall make all necessary rules and regulations for the government and maintenance of said county hospital, county farm, almshouse, waterworks, hospital for insane and asylum for the chronic insane, and shall prescribe rules for the admission and discharge of patients or inmates, and in the department of outdoor relief, for assistance to all poor of the county, and said hospital for the insane, asylum for chronic insane, tuberculosis hospital, school of agriculture and domestic science and said home for dependent children; and shall have power to fix and from time to time regulate the salaries of such superintendents and of all other officers and employes of said county hospital, county farm, almshouse and waterworks, department of outdoor relief, hospital for insane, asylum for chronic insane, school of agriculture and domestic science and tuberculosis hospital, and of the district physicians, which salaries shall be payable monthly out of the treasury of the county the same as the salaries of other county officers and employes are paid. Provided, however, that in all matters so far as they relate to said school of agriculture and domestic science, the county superintendent of schools of such

county shall be *ex officio* a member of said board of administration, but without compensation in addition to the salary of his office as such superintendent of schools.

Section 697—49. The treasurer of the county shall be *ex officio* the treasurer of said institutions and custodian of the funds, and shall keep separate accounts of all moneys appropriated or otherwise received for the aforesaid institutions and pay the same only upon \* \* \* *orders issued by the county clerk on vouchers certified to the clerk by the president and secretary of said board of administration.*

(Section 1421—11) 3. The county treasurer of any county which creates such an institution, shall be the treasurer of such institution, and shall receive all moneys paid for the maintenance of inmates of such institution, and shall disburse all moneys to be paid on account of such institution, such disbursements to be made upon the order of the trustees; *and in counties having a population of three hundred thousand or more such disbursements and payments shall be made only on vouchers deposited with the county clerk and certified under the direction of the board of trustees by its secretary or person having charge of the institution. The county clerk, after having audited the same, shall draw an order upon the treasurer for the amount thereof.*

SECTION 2. There are added to the statutes a new section, to section 709 three new subdivisions, and to section 715 a new subdivision, to read:

Section 678m. In counties containing a population of more than three hundred thousand, the county clerk shall, on and after the first of January following the date when a county auditor shall have been first appointed in accordance with subdivision (3b) of section 709, require the county auditor to classify all such claims according to the budgetary funds provided for in subdivision (23) of section 709 against which they are chargeable, before such claims are laid before such board. He shall then submit with the claims chargeable against each fund, a statement of the balance in such fund against which no county orders have been issued. If such balance in any fund is less than the total of the claims chargeable against such fund, he shall call the attention of the board to that fact, and such board shall not issue county orders in excess of such balance without previously appropriating to such fund an additional sum at least sufficient to cover such orders. If any claims or claim shall be for a purpose for which no specific appropriation has been made in the budget, such claim or claims shall be considered as chargeable against the contingent fund. When



the county clerk countersigns any order on the county treasurer for the payment of a claim allowed he shall charge such order against the fund appropriated for that purpose.

(Section 709) (3a) Except in counties having a population of more than three hundred thousand, to act as auditor of the county, and on resolution of the county board to examine the books and accounts of any county officer, committee, and employe intrusted with the receipt, custody, or expenditure of money, and all original bills and vouchers on which moneys have been paid out by them, and all receipts of moneys received by them. He shall have free access to such books, accounts, bills, vouchers and receipts as often as may be necessary to perform the duties required under this section and he shall report in writing the results of such examinations to the county board. This section shall be construed to include justices of the peace, all county officers whose compensation consists of fees which they are allowed by law in lieu of a fixed salary, and all boards, commissions, trustees, or other officials by whom or on whose certificate any funds appropriated by the county board are authorized to be expended.

(3b.) In counties having a population of more than three hundred thousand, the county clerk, the chairman of the county board and the county treasurer of such county or a majority of them, shall appoint a person known to be skilled in matters of public finance and accounting to act as "County Auditor," which person shall be confirmed by the county board; and he shall in such counties under the direction of the county clerk act as auditor of the county, and shall direct the keeping of all of the accounts of such county, in all of its offices, departments and institutions; and shall keep such books of account as may be necessary to properly perform the duties of his office. The salary of such auditor shall be fixed by the county board, and shall be paid in the same manner as other county officials are paid. Such auditor shall hold office during the period for which the county clerk under whom he is appointed holds office, but he may be removed from office upon written charges preferred, and by direction of a majority of the persons appointing him, and by a majority vote of the board of supervisors. Such county auditor shall perform all duties pertaining to his office, and shall have all of the powers and duties specified and enumerated in subdivision (3a) of section 709, and such other and further duties as may be directed and authorized so to do by the county clerk or the county board.

(23) (a) The fiscal year of all county departments and institutions in every county having a population of more than

three hundred thousand shall close on December thirty-first of the year in which a county auditor is first appointed, and of each year thereafter.

(b) In every such county it shall be the duty of the superintendent of every county institution, of the clerk of every court, of the sheriff, coroner, district attorney, register of deeds, county treasurer, county clerk and county surveyor, of the secretary of every board or commission which expends county money and of the executive head of every other office or department which expends county money, to make and file, on or before the first day of September of each year, with the county clerk and county auditor in writing, in detail, and in such form as the county clerk may require, a report and estimate of all the necessary expenditures of every kind and nature to be made by their several departments, institutions, offices or boards out of county funds, during the ensuing fiscal year.

(c) The county auditor, under the direction of the county clerk, shall compile said reports and estimates, together with an estimate for a reasonable contingent fund for unforeseen emergencies, a report of the funds required of such interest and sinking funds for county bonds and land contracts as are to fall due during the ensuing year and an estimate of the receipts to be derived from taxes, from the state, from bonds, and from all other sources to meet such expenditures. The county clerk shall submit all of the said reports and estimates, thus compiled, to the board of supervisors on or before the fifteenth day of September and said board shall immediately refer them to the proper committee of said board. Such committee shall then proceed to hold a series of public hearings at which it shall require every officer who shall have submitted a report and estimate as above provided, or a representative of the department, institution, office or body for which said report and estimate was made, to appear before such committee and give information with regard to appropriations required for his department, institution, office or body. The county auditor or his assistant shall attend each of said hearings to render assistance and advice. Such committee shall prepare a tentative budget of county expenditures for the ensuing year. Not later than the twenty-fifth day of October such committee shall hold a public hearing on said tentative budget at which citizens shall be invited to express their opinions as to the said tentative budget.

(d) On or before the first day of November following, such committee shall submit to the board of supervisors a tentative budget, based upon the above mentioned reports, estimates and hearings. On or before the fifteenth day of the same month,

the board of supervisors shall adopt the budget with such changes, income or decrease as seem to it proper. When so adopted, the sums provided for the said various departments, institutions, offices and bodies and for the various functions within those departments, institutions, offices and boards shall constitute legal appropriations for the ensuing fiscal year and the county auditor, under the direction of the county clerk, shall keep account of each of the said appropriations, together with any other moneys which may become legally available for the use of each respective department, institution, office or body, as a separate fund. Such appropriations shall become available on the first day of said fiscal year but not before. At the request of the head of any department, or office or at the request of any board, the board of supervisors may, by resolution adopted at any legal meeting, transfer money from one fund to another within the appropriation of the department, institution, office or board making the request, and by a resolution adopted by any legal meeting said board may transfer money from the contingent fund to any other budgetary fund or appropriate money from the contingent fund for any legal county purpose.

(Section 715) (12) In all counties of this state now having or which may hereafter have a population of three hundred thousand or more inhabitants all orders and warrants drawn upon or against county funds shall be countersigned by the county auditor; and the treasurer of such county shall make no payment of county funds for any purpose unless the order, warrant, certificate, direction or authority given him for such payment is countersigned by such county auditor. This provision requiring the countersigning by said auditor shall apply to all laws and statutes, special and general, relative to the payment of county funds by the county treasurer; and all acts and parts of acts inconsistent with this provision are hereby made inapplicable or repealed.

SECTION 3. This act shall take effect upon October 1, 1915.

Approved August 23, 1915.